

UNITED STATES DISTRICT COURT
for the
District of Nebraska

United States of America

v.

Matthew J. Nicolas

Case No: 4:11CR3008

USM No: 23985-047

Date of Original Judgment: 07/11/2011

Date of Previous Amended Judgment: _____

(Use Date of Last Amended Judgment if Any)

John C. Vanderslice

Defendant's Attorney

**ORDER REGARDING MOTION FOR SENTENCE REDUCTION
PURSUANT TO 18 U.S.C. § 3582(c)(2)**

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion, and taking into account the policy statement set forth at USSG §1B1.10 and the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,

IT IS ORDERED that the motion is:

☐ DENIED. ☒ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of 108 months is reduced to 87 months.

(Complete Parts I and II of Page 2 when motion is granted)

The defendant shall not be released any earlier than November 1, 2015.

Except as otherwise provided, all provisions of the judgment dated 07/11/2011 shall remain in effect.

IT IS SO ORDERED.

Order Date: 08/06/2015

s/ Richard G. Kopf

Judge's signature

Effective Date: 11/01/2015

(if different from order date)

Richard G. Kopf, Senior United States District Judge

Printed name and title

This page contains information that should not be filed in court unless under seal.
(Not for Public Disclosure)

Matthew J. Nicolas

DEFENDANT: _____

CASE NUMBER: 4:11CR3008

DISTRICT: District of Nebraska

I. COURT DETERMINATION OF GUIDELINE RANGE (*Prior to Any Departures*)

Previous Total Offense Level:	<u>29</u>	Amended Total Offense Level:	<u>27</u>
Criminal History Category:	<u>III</u>	Criminal History Category:	<u>III</u>
Previous Guideline Range:	<u>108</u> to <u>135</u> months	Amended Guideline Range:	<u>87</u> to <u>108</u> months

II. SENTENCE RELATIVE TO THE AMENDED GUIDELINE RANGE

- ☒ The reduced sentence is within the amended guideline range.
- ☐ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a substantial assistance departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.
- ☐ The reduced sentence is above the amended guideline range.

III. ADDITIONAL COMMENTS

Filing nos. 49 and 50 are granted as provided herein.